

PATENT



Atty. File No. P24,386A USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re/ Application of
Michael O'Toole, Bradley Levin,
Philip Edwards, Lee Xu and Joseph Vandenberg
Application No. 10/034,792 Group No.: 2872
Filed December 27, 2001 Examiner: Not Yet Assigned
Tranceiver for LC Connector
Attorney Docket No. P24,386A USA

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on July 8, 2002 as first class mail service under 37 CFR 1.10, in an envelope addressed to: Attn: Latrice Bond, Office of Petitions, Assistant Commissioner for Patents, Box DAC, Washington, DC 20231.

Date: July 8, 2002

Stephen J. Driscoll

Attn: Latrice Bond
Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

**PETITION UNDER 35 U.S.C. § 116
AND § 118 AND 37 C.F.R. § 1.47(a)**

Dear Sir:

Applicant hereby submits a Petition for completing the requirements for filing the above-identified application under 35 U.S.C. § 111 and 37 C.F.R. § 1.63 with Declarations executed by inventors Michael O'Toole, Philip Edwards and Lee Xu on behalf of themselves

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and co-inventors Bradley Levin and Joseph Vandenberg who refuse to and/or are unavailable to execute the Declaration and Power of Attorney document.

FACTS

Bradley Levin and Joseph Vandenberg are a co-inventors named in the above-identified application and are party to Intellectual Property Agreements (the "Agreements") with The Whitaker Corporation. Pursuant to Paragraph (4) of the Agreements, Messrs. Levin and Vandenberg have an obligation to assign to The Whitaker Corporation, and its successors in interest, any and all patent rights they may have in and to the above-identified patent application, and to execute and deliver all proper documents necessary and attendant to domestic and foreign patent applications of The Whitaker Corporation. As set forth below and in the attached Declaration, several attempts have been made to contact Messrs. Levin and Vandenberg by correspondence and by telephone to have them execute a Declaration and Power of Attorney for the above-identified application to The Whitaker Corporation pursuant to Paragraph (4) of the Agreements. All of the above attempts have been unsuccessful.

On February 28, 2002, Messrs. Levin and Vandenberg were sent a Declaration and Power of Attorney document to their last known addresses via Federal Express. The addresses are respectively: 37-73 Magnolia Street, #205, Newark, California 94560 and 415 N. Lark Ellen Avenue, West Covina, California 91791. Attached as Exhibit 1 are copies of our transmittal letters to Messrs. Levin and Vandenberg. No responses from Messrs. Levin and Vandenberg have been received by The Whitaker Corporation.

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On June 4, 2002 and June 13, 2002, urgent reminders, together with another copy of the Declaration and Power of Attorney document, were sent to Messrs. Levin and Vandenberg via Federal Express. Attached as Exhibit 2 are copies of our urgent reminders to Messrs. Levin and Vandenberg. No responses from Messrs. Levin and Vandenberg have been received by The Whitaker Corporation.

On June 25, 2002, an attempt was made by Mary Bertolino, a paralegal with Synnestvedt & Lechner LLP, outside counsel for The Whitaker Corporation, to contact Messrs. Levin and Vandenberg by telephone. Detailed voice mail messages were left, and they were requested to return the calls. Return phone calls have not been received. Attached as Exhibit 3 is a copy of a file Memorandum containing this information.

PETITION

In view of the foregoing facts, Applicants request that the present Assignment be regarded as complete under 35 U.S.C. § 115 and 37 C.F.R. §§ 1.63 and 1.64 pursuant to 35 U.S.C. § 116 and § 118 and 37 C.F.R. § 1.47(a). Granting of this Petition is necessary to preserve the parties' rights and to prevent irreparable damage to Applicants, which would occur if the above-identified patent application were to be abandoned.

Please charge Deposit Account No. 19-5425 in the amount of \$130.00 to cover the cost of this Petition. Any deficiency or overpayment should be charged or credited to Deposit Account No. 19-5425. Two additional copies of this Petition are enclosed.

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PRAYER FOR RELIEF

Applicants and Applicants' assignee, The Whitaker Corporation, pray for grant of this petition. This action is necessary to preserve the rights of the parties and to prevent irreparable damage. Early and favorable action on this Petition is earnestly solicited.

Respectfully submitted,

Dated: July 8, 2002



Stephen J. Driscoll
Attorney for Applicants
Registration No. 37,564

:mdb

Enclosures

THE WHITAKER CORPORATION
4550 New Linden Hill Road
Suite 450
Wilmington, DE 19808-2952
Telephone: 302-633-2763
Facsimile: 302-633-2776

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